

REMARKS

In response to the Office Action dated May 14, 2009, Applicants submit the following amendments and remarks.

Claims 84-86, 88-92, and 94-147 are pending. Claims 84-86, 88-92, 94-106, and 108-147 have been amended. No new matter has been added. Support for the amendments can be found in the specification, for example, on page 31, in lines 21-25.

Reconsideration and allowance of the above-referenced application are respectfully requested in light of the foregoing amendments and the following remarks.

Section 101 Rejections

Claims 84-86, 88-92 and 94-126 were rejected for allegedly reciting non-statutory inventions under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter.

Applicants respectfully disagree. However, to expedite prosecution, Applicants have amended claim 84 to recite “one or more processors.” Applicants respectfully request that the Examiner withdraw the section 101 rejections of claim 84 and its dependent claims.

To expedite prosecution, Applicants have amended claim 106 to recite “one or more processors.” Applicants respectfully request that the Examiner withdraw the section 101 rejections of claim 106 and its dependent claims.

Section 103 Rejections

Claims 84-86, 87-92 and 94-147 were rejected under 35 U.S.C. § 103(a) for allegedly being obvious over Wyman (U.S. Patent 5,204,897) in view of alleged Applicants Admitted Prior Art for the reasons set forth in section 10 of the 1/25/2007 Office action and further in view of *In re Wolfe*, 116 U.S.P.Q. 443,444 (CCPA, 1961) and further in view of Table C of the 1997 Census report. Applicants respectfully traverse these rejections.

Amended claim 1 is directed to a system that includes one or more processors; a software structure including a software program and a software resource, the software resource including library functions; an access authorization indicator included in the software program associating the software program and the software resource, the access authorization indicator including one or more license terms to allow the software program to use the software resource; and a license key derived from the one or more license terms, the license key for allowing the software program to access the software resource after the software resource is unlocked using a library function in the software resource. The relied upon portions of Wyman do not teach or suggest these features.

Specifically, the relied upon portions of Wyman fail to teach or suggest “the license key for allowing the software program to access the software resource after the software resource is unlocked using a library function in the software resource” as recited in claim 84. In the relied upon portions, Wyman merely discusses encoding a signature field using a “public/private key” system (*see* Wyman, column 14, lines 31-33). Wyman also discusses a concept of “license units,” which are “an abstract numerical measure of product use allowed by the license” (Wyman, column 14, lines 65-66), and a concept of “context,” which “is a set of tagged values which define the location and environment in which product use or license management occurs” (Wyman, column 15, lines 4-7). No unlocking mechanism “using a library function in the software resource” is disclosed or suggested.

Claims 84-86, 87-92 and 94-147 were rejected under 35 U.S.C. § 103(a) for allegedly being obvious over Ross (U.S. Patent 5,553,143) in view of alleged Applicants Admitted Prior Art for the reasons set forth in section 11 of the 1/25/2007 Office action and further in view of *In re Wolfe*, 116 U.S.P.Q 443,444 (CCPA 1961) and further in view of Table C of the 1997 Census report. Applicants respectfully traverse these rejections.

The relied upon portions of Ross fail to teach or suggest “the license key for allowing the software program to access the software resource after the software resource is unlocked using a library function in the software resource” recited in claim 84. In the relied upon portions, Ross merely states that, “The encrypted result can be stored in the license document, and examined to validate a license” (Abstract).

None of the cited references, standing alone or in combination, teaches or suggests all features recited in amended claim 84. Accordingly, Applicants respectfully submit that amended claim 84 and its dependent claims are in condition for allowance.

Amended claim 106 recites features substantially corresponding to the features of claim 84. For at least the reasons set forth above with respect to claim 84, Applicants respectfully submit that amended claim 106 and its dependent claims are in condition for allowance.

Amended claim 127 recites features substantially corresponding to the features of claim 84. For at least the reasons set forth above with respect to claim 84, Applicants respectfully submit that amended claim 127 and its dependent claims are in condition for allowance.

Conclusion

For the foregoing reasons, Applicants respectfully submit that all pending claims are in condition for allowance.

By responding in the foregoing remarks only to particular positions taken by the Examiner, Applicants do not acquiesce with other positions that have not been explicitly addressed. In addition, Applicants' arguments for the patentability of a claim should not be understood as implying that no other reasons for the patentability of that claim exist. Finally, Applicants' decision to amend or cancel any claim should not be understood as implying that Applicant agrees with any positions taken by the Examiner with respect to that claim or other claims.

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Respectfully submitted,

Date: August 14, 2009

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